

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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JUSTIN LAFFERTY,

Case No. 2:17-cv-01392-MMD-VCF

v

Plaintiff,

## ORDER

WILLIAM WHARTEN, *et al.*,

## Defendants.

13        This action is a *pro se* civil rights complaint filed pursuant to 42 U.S.C. § 1983 by  
14 a former state prisoner. On March 22, 2018, this Court issued an order directing Plaintiff  
15 to file his updated address with the Court within thirty (30) days. (ECF No. 5 at 2.) The  
16 thirty-day period has now expired, and Plaintiff has not filed his updated address or  
17 otherwise responded to the Court’s order.

18       District courts have the inherent power to control their dockets and “[i]n the  
19 exercise of that power, they may impose sanctions including, where appropriate . . .  
20 dismissal” of a case. *Thompson v. Hous. Auth. of City of Los Angeles*, 782 F.2d 829, 831  
21 (9th Cir. 1986). A court may dismiss an action, with prejudice, based on a party’s failure  
22 to prosecute an action, failure to obey a court order, or failure to comply with local rules.  
23 See *Ghazali v. Moran*, 46 F.3d 52, 53-54 (9th Cir. 1995) (dismissal for noncompliance  
24 with local rule); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (dismissal for  
25 failure to comply with an order requiring amendment of complaint); *Carey v. King*, 856  
26 F.2d 1439, 1440-41 (9th Cir. 1988) (dismissal for failure to comply with local rule requiring  
27 *pro se* plaintiffs to keep court apprised of address); *Malone v. U.S. Postal Service*, 833  
28 F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to comply with court order); *Henderson*

1       *v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986) (dismissal for lack of prosecution and  
2 failure to comply with local rules).

3           In determining whether to dismiss an action for lack of prosecution, failure to obey  
4 a court order, or failure to comply with local rules, the court must consider several factors:  
5 (1) the public's interest in expeditious resolution of litigation; (2) the court's need to  
6 manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring  
7 disposition of cases on their merits; and (5) the availability of less drastic alternatives.  
8 *Thompson*, 782 F.2d at 831; *Henderson*, 779 F.2d at 1423-24; *Malone*, 833 F.2d at 130;  
9 *Ferdik*, 963 F.2d at 1260-61; *Ghazali*, 46 F.3d at 53.

10          In the instant case, the Court finds that the first two factors, the public's interest in  
11 expeditiously resolving this litigation and the Court's interest in managing the docket,  
12 weigh in favor of dismissal. The third factor, risk of prejudice to Defendants, also weighs  
13 in favor of dismissal, since a presumption of injury arises from the occurrence of  
14 unreasonable delay in filing a pleading ordered by the court or prosecuting an action. See  
15 *Anderson v. Air West*, 542 F.2d 522, 524 (9th Cir. 1976). The fourth factor—public policy  
16 favoring disposition of cases on their merits—is greatly outweighed by the factors in favor  
17 of dismissal discussed herein. Finally, a court's warning to a party that his failure to obey  
18 the court's order will result in dismissal satisfies the “consideration of alternatives”  
19 requirement. *Ferdik*, 963 F.2d at 1262; *Malone*, 833 F.2d at 132-33; *Henderson*, 779  
20 F.2d at 1424. The Court's order requiring Plaintiff to file his updated address with the  
21 Court within thirty (30) days expressly stated: “IT IS FURTHER ORDERED that, if Plaintiff  
22 fails to timely comply with this order, the Court shall dismiss this case without prejudice.”  
23 (ECF No. 5 at 2.) Thus, Plaintiff had adequate warning that dismissal would result from  
24 his noncompliance with the Court's order to file his updated address within thirty (30)  
25 days.

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1        It is therefore ordered that this action is dismissed without prejudice based on  
2 Plaintiff's failure to file an updated address in compliance with this Court's March 22, 2018  
3 order.

4        It is further ordered that the Clerk of Court enter judgment accordingly.

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6        DATED THIS 2<sup>nd</sup> day of May 2018.



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8        MIRANDA M. DU  
9        UNITED STATES DISTRICT JUDGE  
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